

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

IGNACIO GARCIA-GONZALEZ

**CRIMINAL COMPLAINT**

Case Number:

MS 11-243 JOK

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 15, 2011, in Ramsey County, in the State and District of Minnesota, defendant, Ignacio Garcia-Gonzalez, an alien who had previously been deported from the United States on or about July 1, 2005, subsequent to conviction for an aggravated felony, namely, a conviction on or about March 29, 2005, in Champaign County, Illinois for Criminal Sexual Abuse, knowingly and unlawfully entered and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States

SEE ATTACHED AFFIDAVIT

in violation of Title 8, United States Code, Sections 1326(a) and (b)(2).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Bradley M. Kuhns  
BICE

Sworn to before me, and subscribed in my presence,

5/24/11  
Date

at

St. Paul, MN

City and State

The Honorable Jeffrey J. Keyes  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

SCANNED

MAY 25 2011

U.S. DISTRICT COURT ST. PAUL

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF RAMSEY )

**AFFIDAVIT OF Bradley M. Kuhns**

Bradley M. Kuhns, being duly sworn, deposes and states as follows:

1. I have been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 2007. I have been a Deportation Officer since August 2009.
2. As a Deportation Officer, my duties and responsibilities include overseeing the removal proceedings of aliens. I am also responsible for reviewing alien files (commonly known as "A files") in connection with the detention and release of aliens in ICE custody.
3. This Affidavit is based on my training, experience, personal knowledge and discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.
4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, I believe that probable cause exists to support that, on or about May 15, 2011, in Ramsey County, in the State and District of Minnesota, Ignacio GARCIA-Gonzalez unlawfully reentered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and that GARCIA-Gonzalez's removal was subsequent to a conviction for commission of

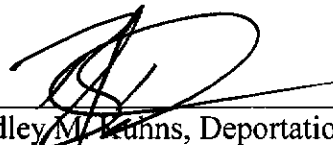
an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On May 15, 2011, GARCIA-Gonzalez was arrested in Ramsey County, in the State and District of Minnesota, by members of the North St. Paul Police Department. GARCIA-Gonzalez was arrested for driving without a valid drivers license and failure to yield to an emergency vehicle. GARCIA-Gonzalez identified himself to North St. Paul Police Officers as Frank Jony GARCIA-Gonzalez.
6. On May 15, 2011, GARCIA-Gonzalez was encountered in the Ramsey County Jail by an ICE Immigration Enforcement Agent while performing Criminal Alien Program duties. GARCIA-Gonzalez was administratively interviewed to determine alienage and removability. During the initial interview with ICE GARCIA-Gonzalez claimed his name was Frank Garcia-Rios, D.O.B. 4/17/1984. GARCIA-Gonzalez admitted to having entered the United States without inspection or admittance. On May 15, 2011, an ICE hold was placed on GARCIA-Gonzalez. On May 17, 2001, GARCIA-Gonzalez was turned over to ICE custody.
7. On September 27, 2005, GARCIA-Gonzalez was convicted of the felony offense of aggravated criminal sexual abuse, in the Champaign County Circuit Court, at Urbana, Illinois in violation of 720 Illinois Compiled Statutes 5/12-16(d). On March 29, 2005, GARCIA-Gonzalez was sentenced to 36 months probation and two days incarceration.
8. GARCIA-Gonzalez's immigration file indicates that he has been previously arrested and removed from the United States on one prior occasion. On July 1, 2005,

GARCIA-Gonzalez was removed from the United States to Mexico at the El Paso, Texas Port of Entry.

9. Law enforcement has confirmed through fingerprints contained in GARCIA-Gonzalez's criminal history and immigration file that the individual named Ignacio GARCIA-Gonzalez; AKA Frank Jony GARCIA-Rios, referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on May 15, 2011, by the North St. Paul Police Department.
10. My investigation has revealed that GARCIA-Gonzalez is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.
11. GARCIA-Gonzalez has admitted that since his removal from the United States on July 15, 2005, that he reentered the United States without applying for, nor receiving, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative. My investigation has revealed that since his removal from the United States on July 01, 2005, GARCIA-Gonzalez has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.
12. Based on these facts, I have reason to believe that Ignacio GARCIA-Gonzalez unlawfully reentered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United


States Code, Sections 202 and 557. Further Your Affiant Sayeth Not.



Bradley M. Kuhns, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 24 day of May 2011.

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The Honorable Jeffrey J. Keyes  
United States Magistrate Judge